

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO POPA,

Defendant.

2:06-CR-0085 JCM (GWF)

Date: N/A

Time: N/A

**ORDER**

Presently before the court is the finding and recommendation (#136) of United States Magistrate Judge Foley recommending that defendant's motion for severance be denied. Magistrate Judge Foley required the parties to file objections to the finding and recommendation by October 13, 2006. No objections were filed.

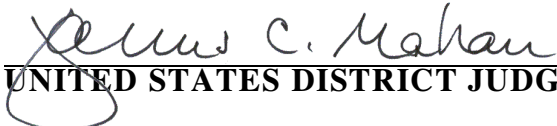
Magistrate Judge Foley's finding and recommendation found that defendant Popa has not set forth sufficient grounds to support granting his motion for severance based on his intent to present exculpatory testimony by co-defendants. Furthermore, Magistrate Judge Foley found that defendant Popa will not be unfairly prejudiced through the introduction of evidence regarding separate and/or prior conspiracies of which he was not a member.

Upon review of the magistrate judge's finding and recommendation (#136) and there

1 being no objections filed,

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Magistrate Judge  
3 Foley's finding and recommendation (#136) is AFFIRMED in its entirety.

4  
5 DATED this 23<sup>rd</sup> day of October.  
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8 UNITED STATES DISTRICT JUDGE  
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